IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4332 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

LALLUBHAI PRABHATBHAI RABARI

Versus

DDO MEHSANA

Appearance:

MR DR BHATT for Petitioners

MR HS MUNSHAW for Respondent No. 1

MR IM PANDYA AGP for Respondent No. 2

MR TUSHAR MEHTA for Respondent No. 3

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 17/01/2001

ORAL JUDGEMENT

None appears on behalf of the petitioners. The affidavit-in-reply has been filed on behalf of the respondent no. 3 today in the Court.

2. By means of this petition, the petitioners have sought for quashing and setting aside the order at Annexure-A passed by the respondent no. 1 dated 11-6-1999 as illegal, arbitrary and without any authority of law. It is pointed out by the learned counsel for the respondent that the notification dated 1-6-1999 the area has been notified and the area of the village panchayat has been excluded and that has been included in the notified area of the industrial development area. In this regard, it is pointed by the learned counsel for the respondent that Special Civil Application was been filed before this Court which was dismissed by this Court and against that dismissal order S.L.P. (C) No. 3765/98 was filed before the Supreme Court. The Supreme Court vide its judgment and order dated 27-1-1999 dismissed that Special Leave Petition. It is also pointed out that the petitioner no. 1 had attended the Supreme Court during the course of the hearings. In the present petition, these facts have not been disclosed. Therefore, this petition deserves to be dismissed on the basis of suppression of material and relevant facts. Moreover, the notification dated 11-6-1999 has already been confirmed by the Supreme Court. As such, the petitioners are ceased to be elected members of the respondent Gram Panchayat.

3. In view of the above facts, this petition is liable to be dismissed. Accordingly, this petition is dismissed. Rule is discharged, with no order as to costs. Interim relief, if any, stands vacated.

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/JVSatwara/